REMARKS

Claims 1, 2, 4, 6-19, 21 and 23-26 are pending in the application.

Claims 9-19, 21, 23, 24 and 26 are allowed and claims 2 and 8 are objected to.

Claims 1, 4, 6, 7, and 25 stand rejected in the Office Action.

In the Office Action claims 1, 4, 6, 7, and 25 have now been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki (2002/0172208) in view of Lee et al. (6,882,660) (hereinafter Lee) and further in view of Mahe (6,535,488).

It is respectfully submitted the combination of references fails to teach or suggest each and every claimed feature found in the rejected claims as required in order to support a prima facie case of obviousness.

Applicant's claim 1 recites: "demodulating said received packet to be stored in a first storage medium." The it is admitted in the Office Action that Malkamaki does not teach the claimed feature (Office Action page 3). Lee is pointed to as showing this feature in Fig. 2 unit 222 and col. 4, lines 48-51.

However, a review of Lee finds that the unit 222 demodulates the radio data supplied from the buffer 221 and then transmits the demodulated data to a data reception/analysis unit 231 of an upper layer 230 (col. 4, lines 48-52). Lee fails to teach the claimed features of demodulating said received packet to be stored in a first storage medium, contrary to the assertions in the Office Action.

In addition, applicant's claim 1 recites: determining whether said received packet is a retransmitted packet by comparing an address field of said received packet with a corresponding address field of a previous packet stored in a second storage medium."

The Office Action points to Malkamaki to teach this feature and to Mahe to teach the concept of comparing message address fields of a received message and a previously received message.

However, Malkamaki teaches a completely different concept than the claimed features. Paragraph 35 of Malkamaki describes that one or several packets are included in a data block and that the sequence numbers for the data block are found in the control channel. Contrary to the assertions in the Office Action, the sequence numbers are not found in a field of the data block. According to Malkamaki paragraph 36, the user terminal must decode the shared control channel to get the sequence number. On page 3 of the Office Action the sequence number of Malkamaki is being equated with the "field" of applicant's claimed invention. However, claim 1 recites "field of said received packet" and, in contrast, the sequence number in Malkamaki is not a field of the received packet but is found and decoded from the shared control channel.

The Office Action further points to Mahe to teach the concept of the message address fields. However, Mahe describes that the address of the intermediate station is used to test whether corresponding messages were sent by the same intermediate sending station. In contrast applicant claims determining whether said received packet is a retransmitted packet by comparing an address field of said received packet with a corresponding address field of a previous packet.

Furthermore, Mahe teaches away from the claimed invention because in Mahe if the two packets were sent by the same intermediate station, the message being processed is not stored (col. 11, lines 7-35). Whereas the claimed invention recites: "combining said received packet with said previous packet using a maximum ratio combining method." Applicant recites the packet is combined, whereas Mahe teaches away in that the packet is not stored.

One skilled in the art would not have been motivated to make the proposed combination of references because Mahe teaches a completely different concept than the claimed invention. Furthermore, Malkamaki teaches the data block concept and having sequence numbers in the control channel, this is completely different from the claimed features found in claim 1.

It is respectfully submitted that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488,20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP § 2143-§2143.03 for decisions pertinent to each of these criteria.

Analyzing the combination of Malkamaki, Lee and Mahe according to the above roadmap, there is no motivation or suggestion to combine the references because Mahe teaches away from the claimed invention with a completely different concept. One skilled in the art would not look to the teaching of Mahe to make the proposed modifications to Malkamaki and Lee. Furthermore, Malkamaki teaches the data block concept, which is completely different from claim 1, as pointed out above.

Second, there is no reasonable expectation of success because the prior art references are not combinable, and they do not supplement each other. Third, Malkamaki, Lee and Mahe, even when combined, do not teach or suggest at least the above-mentioned features recited in claim 1.

Therefore, the combination of cited references fail to render obvious the claimed invention because the above-identified criteria are not met. The claimed invention, according to claim 1, is thus distinguishable over the cited references and it is respectfully requested the rejection be withdrawn.

Dependent claims 4, 6, 7 and 25 depend from claim 1 and include all the features of claim 1. Accordingly the rejection of claims 4, 6, 7 and 25 should be withdrawn for at least the above reasons and because each claim includes further distinguishing features.

For example, claim 25 recites: "it is determined whether said received packet is the retransmitted packet based on corresponding medium access control (MAC) frames of said received packet and said previous packet."

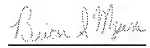
The Office Action points to paragraph 36 of Malkamaki. However, as pointed out above, Malkamaki describes the data block concept with sequence number being decoded from the control channel. Nowhere does Malkamaki suggest the features recited in claim 25.

For at least for the above reasons, Applicant submits that the rejection of claims 1, 4, 6, 7, and 25, and the objection to claims 2 and 8 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below. While it is believed no fee is due, please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,



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